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To: Commissioner for Patents

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Fax No.: 703-872-9306

From: Robert C. Freed

No. of Pages: (including cover sheet)

Date: January 14, 2005

Operator: Teresa Herron

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- **Response Under Rule 111; (3 Pages)**
- **Transmittal Form; (1 page)**
- **Copy of Page 1295 of the American Heritage Dictionary; (4 pages)**
- **Certificate of Facsimile Transmission;**
- **Fax Cover Sheet.**

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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/827,490
	Filing Date	April 19, 2004
	First Named Inventor	Randy L. Squier
	Group Art Unit	2151
	Examiner Name	John B. Walsh
Total Number of Pages in This Submission	Attorney Docket Number	S67-002-04-US

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
Remarks		Fax Cover Sheet; Copy of page 1295 of the American Heritage Dictionary; Response to Office Action; Transmittal Form; Certificate of Facsimile Transmission.
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Moore, Hansen & Sumner Robert C. Freed Customer Number 22,854	
Signature	 Robert C. Freed	
Date	January 14, 2005	

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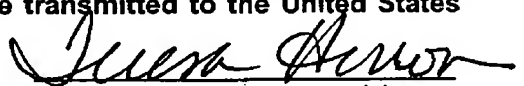
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Applicant(s): Squier, Randy L.	Attorney Docket No.: S67-002-04-US
Application No.: 10/827,490	Group Art Unit: 2151
Filed: April 19, 2004	Examiner: John B. Walsh
Title: LOCK ASSEMBLY HAVING SECURE ENGAGEMENT PLATE	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, V.A. 22313-1450

RESPONSE UNDER RULE 111

Dear Sir:

The Office Action mailed December 6, 2004 has been carefully reviewed and considered. In response, the Applicant respectfully traverses the rejections and request reconsideration of the claims.

In the Office Action, claims 1, 6, 8, 13 and 20 are rejected under 35 U.S.C. Section 102(b) as being anticipated by Percoco et al. (U.S. Patent No. 4,887,856).

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The present claims recite a preassembled lock assembly comprising a lock case assembly, a lock actuating assembly and a mounting plate that can be inserted into and effectively secured within a lock assembly receiving opening within an enclosure door. The claims recite the enclosure door having a plurality of lock assembly receiving opening edges that interconnect with each other to fully surround the lock assembly receiving opening.

In the discussion on pages 2 and 3 of the Office Action, the Examiner notes that the lock assembly of Percoco et al. can be secured within a lock receiving opening shown in Figure 4 of the '856 patent. The Examiner also notes that the lock assembly receiving opening edges (40), shown in Figure 4, interconnect with each other to fully surround the lock receiving opening and further notes that "the edges are connected with other edges and these edges form a three-dimensional perimeter that fully surround the opening".

The Applicant has carefully reviewed the '856 patent to Percoco et al. and respectfully disagree with the Examiner. It is respectfully submitted that surround means to enclose on all sides and it is evident that the opening disclosed in the '856 patent is open on one side allowing the lock assembly to slide into the opening from the open side through which the lock assembly parts may be communicated. For that reason, it is respectfully submitted that the edges disclosed by Percoco et al. do not fully surround the opening as assert by the Examiner.

Enclosed herewith is a copy of page 1295 from the American Heritage Dictionary of the English Language, published by Houghton Mifflin Company, Copyright 1776. On this page, the word surround is defined to mean: 1. to extend on all sides of simultaneously; encircle; ring. 2. to enclose or confine on all sides so as to bar escape or outside communication.

It is respectfully submitted that a review of the opening in the '856 patent will show that the opening is not enclosed or confined on all sides as required by the definition of the American Heritage Dictionary. Therefore, the Examiner's Section 102(b) rejection of the aforementioned claims is respectfully traversed and reconsideration is respectfully requested.

On page 3 of the Office Action, claims 2 and 9 are rejected under 35 U.S.C. Section 103(a) as being unpatentable over the '856 patent as applied to claims 1 and 8, in further view of U.S. Patent No. 5,113,675 to Uyeda. In this regard, the Applicant respectfully traverses this further rejection in view of the differences between the opening disclosed in the '856 patent and the opening recited in the present claims noted above. In view of these differences, it is respectfully submitted that the as further grounds for rejection of these further claims is moot in that an opening of the type recited in the claims is not shown in the cited prior art.

The allowable subject matter noted by the Examiner on the bottom of page 3 and at the top of page 4 is noted with appreciation. The Applicant also notes with appreciation the opportunity to distinguish the opening in the enclosure door in which the present preassembled lock assembly is inserted and secured.

In view of the foregoing, it is respectfully asserted that the claims are now in condition for allowance and notification to that effect is earnestly solicited.

If the undersigned Attorney can be of any assistance to the Examiner in resolving any further matter standing in the way of allowance of the present application, the Examiner is urged to contact the undersigned Attorney by telephone at the telephone number provided below. Thank you.

Respectfully submitted,

for the Applicant,

Randy L. Squier
by his Attorneys,

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Date: January 14, 2005

By:



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